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Summary record of the 2440th meeting
Held at the Palais Wilson, Geneva, on Monday, 9 May 2016, at 3 p.m.

Chair: Ms. Crickley

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The meeting was called to order at 3.15 p.m.

Organizational and other matters

Briefing on the Syrian Arab Republic

1. **Mr. Behnke** (Representative of the United Nations High Commissioner for Human Rights) said that the Office of the High Commissioner (OHCHR) had been involved in the response to the crisis in the Syrian Arab Republic from the outset, as had the Committee, which had issued a Statement on the situation in the Syrian Arab Republic in 2011. The Human Rights Council had set up the Fact Finding Mission on the situation in Syria in 2011, and later the Independent International Commission of Inquiry on the Syrian Arab Republic. The Commission of Inquiry was the longest running such inquiry ever and had been set up as a fact-finding body to identify violations of international human rights and humanitarian law, with a view to ensuring accountability in the future.

2. Neither the Office of the High Commissioner nor the Commission of Inquiry had access to the territory of the Syrian Arab Republic. Their activities were therefore conducted mainly from an office in Beirut and through a network of contacts within the Syrian Arab Republic. The mandate of the Office of the High Commissioner's team was to monitor and assess the situation and to perform a preventive, early warning role with respect to human rights violations. To that end, the team worked closely with Syrian civil society organizations and with the humanitarian authorities within the United Nations system. Within the territory of Syria, the team worked to improve knowledge of international human rights and humanitarian law, to strengthen the capacity of civil society and to record and document human rights violations. The Office also worked closely with the Special Envoy of the Secretary-General for Syria to bring a human rights dimension to the political process and to promote the administration of justice.

3. There were five priority areas on which the Office's team focused its efforts; the first was the issue of civilians in the context of the hostilities. An estimated 7 million persons had been displaced within Syria, and a further 4 million had fled the State as refugees. Civilians had been killed by a variety of means, including airstrikes and barrel bombs dropped from helicopters. There had been a lack of compliance by the various factions with the provisions of international law which specifically prohibited attacks on medical facilities and schools. The phenomenon of sieges of towns and villages, in which the movement of civilians was severely curtailed and humanitarian access was absent or limited, had also been observed.

4. The second major issue concerned the administration of justice, which was under threat from the wide-ranging operations of governmental and other forces. Several quasi-judicial systems had been set up in different regions, some implementing an extreme interpretation of sharia law. There had been reports of widespread summary trials taking place, without any due process, as well as summary executions.

5. The third issue was that of detention: a large number of missing persons were believed to be held in detention. Although no clear data were available, there were concerns about the conditions in which they were held, especially overcrowding, and about the possibility of torture taking place in detention facilities.

6. Fourthly, the phenomenon of sexual and gender-based violence was a major challenge. There had been allegations of such abuse and violence in government-operated detention facilities as well as reports of sexual slavery in territory controlled by the Islamic State in Iraq and the Levant. According to interviews conducted in Turkey with Yazidi women who had fled the Islamic State stronghold of Raqqa, it appeared that all women were potential targets of such sexual abuse, rather than women from any one specific ethnic group.

7. The fifth and final issue of concern was the sectarian element of the conflict. The background to the conflict was complex and it was important not to jump to conclusions about the motivation and objectives of the different parties involved. Nonetheless, it seemed that certain besieged towns and villages had been targeted because they were considered to be anti-Government, such as Madaya and Zabadani, while others, such as Foah and Kefraya, were Shia villages, perceived to be pro-Government. Civilians were thus held hostage and used as pawns in a complex political game between the warring factions. There had also been some reports of Kurdish fighters targeting Arab villages, and evicting the Arab population or imposing the Kurdish language on them. The issue was currently being studied in detail and no definite conclusions could as yet be drawn.

8. **Mr. Kut**, acknowledging the quality of the work done by the Office of the High Commissioner in a difficult situation, asked what the Committee could do to support that work and, conversely, how the Office could contribute to the activities carried out by the Committee. It would be mutually beneficial for both parties to establish an effective working relationship.

9. **Mr. Khalaf** said that the complexities of the Syrian Arab Republic's unique human mosaic made it difficult to determine the root causes of the conflict and the motives and goals of the parties involved. Was the conflict inspired simply by ethnic allegiances or rather by the enmity between the State and the opposition forces? And who were those opposition forces? If the conflict could be defined as an interracial one between, say, Kurds on the one hand, and Arabs on the other, the consequences would have a direct bearing on the Committee's work under the Convention. It would be useful to learn more about the impact on the various ethnic groups, such as the Assyrians who were already one of the world's endangered peoples.

10. Civilians were being exploited, harmed and killed in violation of all human rights norms. The situation was tragic and it was essential to act to protect vulnerable civilians, especially internally displaced persons and refugees. Regarding the destruction of hospitals and the use of barrel bombs launched from helicopters; which factions possessed helicopters? Was that type of equipment available to all of the warring factions? It was of fundamental importance that citizens not be used as human shields by armed groups. The international community needed to act, using all the tools and instruments at its disposal in the fields of international humanitarian and human rights law, to help and support civilians in the region.

11. **Mr. Behnke** (OHCHR)) said that OHCHR could keep the Committee abreast of developments in the Syrian Arab Republic by sharing with it the relevant reports of the Secretary-General of the United Nations to the United Nations Security Council and the monthly human rights digest prepared by OHCHR, which provided an analysis of the situation in the country.

12. It was indeed a tragedy that the country's ethnic and religious mosaic was being destroyed by the conflict. While the reasons for the conflict were extremely complex, the belief held by some groups that the conflict was being waged purely along ethnic and/or religious lines was patently inaccurate, as the majority of the alliances forged with the main protagonists were political in nature and not based on ethnic or religious affinity. There was no doubt that the conflict was taking a disproportionate toll on vulnerable groups, such as the Assyrian people.

13. Currently, the greatest challenge facing OHCHR and the international community was that of protecting civilian populations from attacks perpetrated by the main parties to the conflict. It remained to be seen how international human rights treaties and international humanitarian law could be used to afford civilians the necessary protection, as the provisions of those instruments had been routinely flouted over the course of the conflict.

Nevertheless, it was clear that any political process aimed at bringing about a peaceful solution needed to include a robust human rights component. Indeed, the practical application of human rights principles in dealing with human rights violations and administering justice would be the key to achieving lasting peace in the country. The Syrian people should be involved in the process of dealing with the aftermath of the conflict and encouraged to rebuild their country in a climate of respect for human rights.

14. **Ms. Dah** said that any solution to the conflict would be likely to be just as complex as the conflict itself. The political dimension appeared to be the driving force behind the hostilities and should not be overlooked. If the Committee decided to issue another statement on the conflict in the Syrian Arab Republic, it should make certain that the issues addressed therein were directly related to racial discrimination and fell within its mandate. She asked whether OHCHR had identified any of the elements of genocide in the conflict; what its preventive interventions consisted of; where it carried out its interventions; whether it reported directly to the Security Council as well as to the Human Rights Council; and whether it envisaged any short-term political solution to the conflict. She recalled that the Committee had developed a set of criteria for identifying the risk of genocide and could call upon the Security Council to take preventive action under its early warning and urgent action procedure. She agreed that human rights should be the cornerstone of any political settlement to the conflict.

15. **Mr. Avtonomov** said that the situation in the Syrian Arab Republic had deteriorated significantly since the Committee had issued its first statement in 2011. He asked whether OHCHR had already drawn up a road map for peace in the region; how it planned to establish peace and security on the ground; and whether it had given any thought to the type of governance system that would be introduced after the conflict had ended or to how the country's territories would be organized, bearing in mind the need to respect the country's diverse ethno-religious composition and the self-governing territories within its borders.

16. **Mr. Behnke** (OHCHR) said that there was no panacea for all the problems that had grown out of the conflict in the Syrian Arab Republic. The greatest obstacle to achieving peace was the political dimension of the hostilities. Whatever type of governance system was introduced after the conflict had ended, it should guarantee the protection of human rights. There was currently insufficient evidence to conclude there was a risk of genocide in the conflict.

17. In terms of preventive measures, the High Commissioner for Human Rights had issued a number of press statements to draw attention to the plight of civilians in cities such as Aleppo and Madaya. The OHCHR team working in Beirut had received first-hand accounts from civilians trapped in Madaya of the severe food shortage and the risk of starvation, which it had transmitted to the relevant humanitarian partners. Once made public, that information had been used to lobby the Syrian Government to allow the delivery of food supplies and humanitarian assistance to civilians.

18. **Mr. Khalaf** said that, while OHCHR did not consider the conflict to constitute a genocide, the fact that more than two thirds of the population were living in precarious conditions or had been forced to flee the country and to seek international protection contradicted that view. The current political impasse needed to be broken before the process of rebuilding the country could begin. Politicians should be persuaded to view civilian populations as a priority, not as collateral damage, and place them at the centre of their policies. He was therefore in favour of the Committee issuing a statement on the worsening situation in the country.

19. **Mr. Lindgren Alves** said that it was important for the Committee to keep abreast of developments in the Syrian Arab Republic. It was universally acknowledged that the application of human rights principles was the key to building lasting peace in the country.

However, the question of how those principles could be applied in the context of a conflict that was essentially political remained unanswered. Mr. Behnke was to be commended on his tentative approach to explaining the reasons for the conflict, as there was still a certain amount of uncertainty over its exact parameters and the form that the solution to the crisis would take.

20. When drafting its second statement on the conflict in the Syrian Arab Republic, the Committee should use the statement that it had issued in 2011 as a model but should not overlook the plight of refugees or place undue emphasis on differences of race, ethnicity or religion, as such differences were often leveraged by politicians or oversimplified by the press in an attempt to explain the alliances of the different parties to the conflict. Moreover, the statement should contain a request for OHCHR to keep the Committee informed of developments in the country, which were a matter of permanent concern. In its second statement, the Committee should also declare that all the parties to the conflict, not just the State party which it had singled out in 2011, had violated the provisions of the Convention and should discourage the lending of support to any of the warring factions.

21. **Mr. Behnke** (OHCHR), replying to a request for clarification on whether the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic overlapped with that of OHCHR, said that the former was a separate entity to which OHCHR provided secretarial support. The OHCHR country office for the Syrian Arab Republic was in fact four "virtual" country offices, based in Amman, Jordan, Beirut, Lebanon, Gaziantep, Turkey and Geneva, Switzerland, of which he was the coordinator.

22. **The Chair** said that there appeared to be unanimous support for drafting a second, more robust, statement which took into account the complexities of the situation in the Syrian Arab Republic, the ongoing destruction of the country's ethnic and religious mosaic and the plethora of human rights abuses committed by the different parties to the conflict. She proposed setting up an informal working group to draft the statement with the assistance of the OHCHR secretariat.

The meeting was suspended at 4.30 p.m. and resumed at 4.45 p.m.

23. **The Chair** said that Mr. Lindgren Alves and Mr. Khalaf had agreed to draft the statement and that any other Committee members wishing to participate were welcome to join them.

Briefing on the Sustainable Development Goals

24. **The Chair** invited the Chief of the Civil, Political, Economic, Social and Cultural Rights Section of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to brief the Committee on the Sustainable Development Goals and suggest ways of integrating them into the Committee's work.

25. **Mr. Walker** (Chief, Civil, Political, Economic, Social and Cultural Rights Section, OHCHR) said that the Sustainable Development Goals were contained in the 2030 Agenda for Sustainable Development adopted by the General Assembly on 25 September 2015. The 2030 Agenda was the product of a review of the outcomes of the Millennium Development Goals. There were 17 Goals and 169 subsidiary goals, known as "targets". The OHCHR Treaties Section had drawn up a schematic document relating the Goals and targets to human rights objectives and would make it available to Committee members.

26. Unlike the Millennium Development Goals, which had made a distinction between developed and developing countries, the Sustainable Development Goals were universal in scope and relevant to the entire planet. The level of development was merely a context for implementation. The accountability mechanism had been strengthened: a high-level political forum had been established to follow up on implementation and conduct thematic reviews. The forum met yearly, and also every four years under the auspices of the General

Assembly. The private sector had been assigned a role and in that regard the 2030 Agenda referred explicitly to the Guiding Principles on Business and Human Rights.

27. Another distinguishing feature of the 2030 Agenda was the stated intention to leave no one behind and to reach those furthest behind first. That contrasted with the Millennium Development Goals, under which a goal might be met following improvements only for certain groups, a situation that made for widening gaps in society. Moreover, grounded as it was in the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Right to Development, the 2030 Agenda made explicit reference to human rights: indeed, the express purpose was to realize the human rights of all and protect and promote human rights without distinction of any kind as to any of the traditionally recognized categories of discrimination, including, significantly, "other status", which meant that the categories were left open. The Agenda was of course to be implemented in a manner consistent with the obligations of States under international law. Even so there were gaps, notably where certain rights were subject to limits set by national law.

28. Goals 10, 5 and 4 were the ones most relevant to the Convention. Goal 10, on reducing inequality within and among countries, provided that the promotion of equality should lead to real equality in substantive terms, in addition to ensuring equal opportunity, since equal opportunity alone could lead to different outcomes depending on the starting point of a person or group. Goal 5, on gender equality and empowerment of all women and girls, was important to the Committee's work from the standpoint of intersectionality and multiple discrimination. Goal 4, on education, made explicit reference to indigenous peoples.

29. In addition, the 2030 Agenda highlighted the importance of the data revolution through its emphasis on the need for reliable disaggregated data in order to help measure progress and ensure that no one was left behind. Calls for the provision of such data by States parties were of course a constant feature of the Committee's work.

30. There was scope for cross-fertilization: the thematic review process conducted by the high-level political forum and the reviews of progress at the national level could feed into the work of all treaty bodies as they prepared for dialogue with individual States under the reporting procedure, and treaty body reviews could in turn feed into the reviews of the Sustainable Development Goals. In that connection, OHCHR had updated the search function of the Universal Human Rights Index to make it possible to organize and download information from the human rights mechanisms in accordance with specific Sustainable Development Goals or targets. Some treaty bodies had begun referring to the Goals in their dialogues with States parties and in their concluding observations.

31. The President of the Economic and Social Council had invited contributions from the treaty bodies to the July 2016 high-level political forum, at which the discussion would centre on "leaving no one behind". It was important to make the most of the opportunity, as it was the first time that an intergovernmental body had sought input from the treaty bodies and it could provide a good basis for their cooperation in the review and accountability mechanisms and, ultimately, in the implementation of the 2030 Agenda.

32. **Ms. Dah** said that, despite all the efforts made to strengthen the treaty bodies and harmonize their methods of work, more coordination with the General Assembly was still needed. She welcomed the change of direction signified by replacing the Millennium Development Goals with the Sustainable Development Goals, which effectively complemented what had been an essentially quantitative evaluation of progress with qualitative criteria such as human rights and democracy. That should make the Committee's task easier.

33. With regard to the provision of information, she recalled that the Committee had previously received country fact sheets prepared by the Secretariat, summarizing the human

rights situation in each of the States parties whose reports were due for consideration. It might be a good idea to resume that practice and to include an assessment of progress in respect of the Sustainable Development Goals. A link could also be established with the procedure in place in the Human Rights Council. The Committee already highlighted selected recommendations in its concluding observations, in order to draw attention to its most important concerns regarding a State party and assist the Secretariat in preparing its summaries ahead of the universal periodic review of selected Member States. That practice could be modified to ensure that one of the standard paragraphs in the concluding observations requested information on the implementation of the Sustainable Development Goals.

34. In general, she would be interested to know what the implications of the 2030 Agenda would be for the harmonization of the work of the treaty bodies. The Sustainable Development Goals might provide a framework for revitalizing the Meeting of the Chairs of the human rights treaty bodies, which appeared to struggle each year to find common areas for discussion.

35. **Mr. Murillo Martinez** said that the ethno-racial factor would be one of the most important determinants in the realization of most of the Sustainable Development Goals. In Latin America and the Caribbean the failure to achieve the Millennium Development Goals had been largely due to the strength of the link between race and poverty. The Committee would have an opportunity to make a positive contribution by shedding light on the particular relevance of the ethno-racial factor in making progress towards achievement of the Sustainable Development Goals.

36. He supported Ms. Dah's proposal that information on the implementation of the Goals should be requested in one of the standard paragraphs of the Committee's concluding observations on the reports of States parties.

37. **Mr. Cali Tzay**, while welcoming the proposal to provide the Committee with a list of Sustainable Development Goals that were of particular relevance to its work, said that all the Goals were in some way linked to the issue of racial discrimination.

38. **Mr. Kemal** said that OHCHR should devise a method for incorporating the Goals fully into the Committee's work, as merely mentioning them in a standard paragraph of future concluding observations would not be sufficient. With regard to disaggregated data, it would be useful for States parties to reach an agreement in order to prevent requests for data by the Committee from being refused for reasons of privacy.

39. **The Chair** welcomed the establishment of a framework of indicators and statistical data to monitor progress in the achievement of the Goals and said that the development of qualitative indicators was especially important. She supported the proposal to enquire about the implementation of the Goals in a standard paragraph of the Committee's concluding observations. It would be essential, however, to structure the paragraph in such a way as to reflect the Committee's specific concerns.

40. She commended OHCHR for ensuring that due attention was paid to human rights in the Goals and suggested that eliminating racial discrimination should be identified as a prerequisite for achieving the Goals. She invited Mr. Walker to outline what he saw as the next steps towards incorporating the Goals into the Committee's work.

41. **Mr. Walker** (OHCHR) said that it had not been easy to guarantee the inclusion of human rights in the 2030 Agenda for Sustainable Development and that there were issues with some of the targets associated with the Goals, such as target 16.2, which called for an end to the torture of children but not of adults, and target 6.2, which called for an end to open defecation and might therefore prompt Member States to punish persons who had no access to sanitation.

42. OHCHR would be able to circulate among Committee members a document that linked the Goals and the associated targets to the Convention and to the United Nations Declaration on the Rights of Indigenous Peoples. It would also be able to include information from the universal periodic review process in the country fact sheets that were provided to Committee members. The Committee should reflect on how it wished to make the connection between the Goals and its work explicit. It might, for example, wish to highlight particularly important Goals during interactive dialogues with States parties and in its concluding observations. The Chairs of the human rights treaty bodies might also wish to adopt a joint statement on the Goals.

43. With regard to the next steps, OHCHR remained open to proposals from the Committee. As part of a review of the implementation of the 2030 Agenda by the Secretariat, OHCHR had requested resources for the creation of a post dealing with human rights mechanisms and the Goals. Having such a post would make it possible to adopt a more systematic approach to analysing the information gathered by human rights mechanisms in order to feed it into frameworks for monitoring the achievement of the Goals.

44. **Mr. Murillo Martínez** said that it would be helpful for the Committee to be provided with a technical document that linked the 17 Goals and the associated targets with each article of the Convention.

45. **Ms. Dah** requested further information on the high-level political forum on sustainable development scheduled for July 2016.

46. **Mr. Walker** (OHCHR) said that the Chairs of the human rights treaty bodies had been invited to submit written information related to the theme of the high-level forum, which was "No one left behind". The submissions received would be posted on the website of the Economic and Social Council. The forum itself was likely to involve a State-led thematic discussion.

47. **The Chair** said that the Committee should continue to enhance the visibility of its work and ensure that racial discrimination was widely recognized as an impediment to the establishment of the conditions for achieving the Sustainable Development Goals.

The meeting rose at 5.55 p.m.